

# **Bail Enforcement Agent Licensing Act**

## **Frequently Asked Questions**

K.S.A 75-7e01 et. seq.

### **UPDATED RENEWAL PROCEDURES IN RESPONSE TO COVID-19**



Kansas Attorney General Derek Schmidt (OAG) understands that the COVID-19 pandemic has affected many Kansans in a multitude of ways. One way some Kansans are being affected is with their inability to meet the ordinary renewal requirements for their bail enforcement agent” (hereinafter “BEA”) license, commonly called bounty hunters. The primary issue here is BEAs who cannot obtain a notary for certain portions of their renewal application. Some may face fingerprint issues later this year. Using a variety of available administrative laws, the OAG is implementing modifications and accommodations to the BEA renewal process in order to help those who are facing the hurdles outlined above.

**Q: I’m a BEA and cannot obtain a notary for relevant portions of my application, are there any options available?**

A: The OAG has posted alternate portions of the BEA renewal application online which will allow the applicant to provide unsworn statements, under penalty of perjury, in the place of those statements which are ordinarily notarized. These alternate portions can be found here: [www.ag.ks.gov/licensing/bail-enforcement-agents/](http://www.ag.ks.gov/licensing/bail-enforcement-agents/).

If a BEA who uses this form is NOT required to obtain new fingerprints for their renewal, then the modified renewal form, submitted in full, will be treated as a “timely and sufficient” application as described below.

**Q: I’m a BEA and cannot obtain new fingerprints for my renewal application, are there any options available?**

A: Unfortunately, new fingerprints can only be obtained through a law enforcement agency. HOWEVER, because of these difficult times, the OAG is allowing BEA who need to submit new sets of fingerprints with their renewal application to temporarily submit their renewal application without those new fingerprints. Assuming everything else has been

submitted with that renewal application, the OAG will consider the application “timely and sufficient.”

Under Kansas administrative law, specifically K.S.A. 2019 Supp. 77-511(d), for persons who have a license requiring periodic renewal, a renewal application that has been submitted in a “timely and sufficient” manner means that that license cannot “expire” until one of two final steps has been met.

A “timely and sufficient” renewal applications includes a renewal application submitted:

- (1) in full in its original form with notaries (and fingerprints if required);
- (2) in original form with notaries but no fingerprints (even if required);
- (3) in the modified form with unsworn statements (and fingerprints if required); or
- (4) in the modified form with unsworn statements but no fingerprints (even if required).

The OAG will require the submission of missing fingerprints, if required of that applicant, on or before October 1, 2020.

**Q: Am I allowed to continue operating as a BEA if my license has reached its expiration date?**

A: If a “timely and sufficient” renewal application has been received the OAG, particularly where an application is missing fingerprints, the OAG will provide a NOTICE to that applicant of that designation. With that designation, K.S.A. 77-511(d) says the BEAs license would not expire while their renewal application in being considered by the OAG.

**Q: How long will the COVID considerations announced by the OAG last?**

Currently, the OAG anticipates that these allowances will end October 1, 2020.

**Q: What, if any, limitations or caveats need to be kept in mind?**

Yes. At a foundational level, the OAG has no recognition or reciprocity agreements with any other jurisdictions for the Kansas BEA license. Some jurisdictions may ordinarily allow a Kansas BEA license to bypass some of their own licensing requirements. Those jurisdictions, if any exist, may not honor a BEA license that has received an administrative continuance from the OAG under K.S.A. 77-511(d).